

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

SPIN MASTER LTD.,

Plaintiff,

v.

ORDER
08-CV-923A

BUREAU VERITAS CONSUMER PRODUCTS
SERVICE, INC., et al.,

Defendants.

This case was referred to Magistrate Judge H. Kenneth Schroeder, pursuant to 28 U.S.C. § 636(b)(1). Plaintiff filed a motion for a protective order to prevent the enforcement of a subpoena issued by Eurofins Product Safety Labs ("Eurofins"), upon Ronald Rothstein, Spin Master's lead attorney in this litigation and the products liability class action lawsuit pending in the Northern District of Illinois.

On August 24, 2011, Magistrate Judge Schroeder filed a Decision and Order denying the plaintiff's motion. On September 7, 2011, plaintiff filed an appeal from the Magistrate Judge's Decision and Order. The defendant filed a response thereto on September 22, 2011 and plaintiff filed a reply.

Pursuant to 28 U.S.C. § 636(b)(1)(A), the district court "may reconsider any pretrial matter under this [section] where it has been shown that the magistrate's order is clearly erroneous or contrary to law."

The Court has reviewed the plaintiff's appeal and Magistrate Judge Schroeder's Decision and Order. Upon such review, the Court finds that Magistrate Judge Schroeder's Decision and Order is neither clearly erroneous nor contrary to law.

Accordingly, the Court affirms the Decision and Order and refers this case back to Magistrate Judge Schroeder for further proceedings.

SO ORDERED.

s/ Richard J. Arcara

HONORABLE RICHARD J. ARCARA
UNITED STATES DISTRICT JUDGE

DATED: October 24, 2011